

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action dated January 20, 2006. Claims 1-8 are pending in the present application. Claims 1-8 have been rejected. Claims 1 and 4 have been amended to correct typographical and grammatical errors, and claim 8 has been amended to further define the scope and novelty of the present invention, in order to place the claims in condition for allowance. Support for the amendments to claim 8 is found in original claim 1. Applicant respectfully submits that no new matter has been presented. Claims 1-8 remain pending. For the reasons set forth more fully below, Applicant respectfully submits that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

#### **Allowable Subject Matter**

Applicant notes with appreciation that claims 1-7 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112. In response, claims 1 and 4 have been amended to overcome the rejection under 35 U.S.C. 112. Specifically, in claim 1, the word “the” before the phrase “free space” has been replaced with the word “a” to provide proper antecedent basis. Also, in claim 4, the phrase “of the partition” has been inserted after the phrase “free space” to provide proper antecedent basis.

#### **Claim Rejections - 35 U.S.C. §112**

The Examiner has stated:

**Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**In claim 1, line 4, “the free space” lacks proper antecedent basis. This is because “free space” in a partition could be reasonably interpreted as a single free space among multiple free spaces in a partition or interpreted as a collectively free space in the partition. Appropriate correction is required.**

In response, as described above, claim 4 has been amended to overcome the rejection under 35 U.S.C. 112. Specifically, as described above, in claim 1, the word “the” before the phrase “free space” has been replaced with the word “a” to provide proper antecedent basis. Also, in claim 4, the phrase “of the partition” has been inserted after the phrase “free space” to provide proper antecedent basis. Applicant respectfully submits that amended claims 1 and 4 comply with 35 U.S.C. 112, second paragraph.

#### **Claim Rejections - 35 U.S.C. §103**

The Examiner has stated:

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada, US 2003/0204535...**

Applicant respectfully traverses the Examiner’s rejection. Independent claim 8 has been amended to include the limitations of allowable independent claim 1. Support for the amendments to claim 8 is found in original claim 1. Applicant respectfully submits that no new matter has been presented.

Accordingly, Applicant respectfully submits that claim 8 is allowable over the cited reference for at least the same reasons as claim 1.

#### **Conclusion**

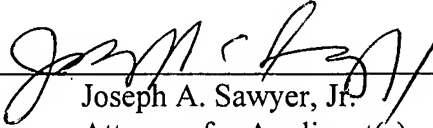
In view of the foregoing, Applicant submits that claims 1-8 are patentable. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

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Date

  
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